

App. F. IX-4

1949-50
(EB)

File No. 192-49

Previous References.

Serial Nos. 1

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for 01-49

SUBJECT

Report of the ^{Minister} Chief Minister
in Delhi Assembly regarding the
and a copy of the Draft Constitution
is attached.

Submitted to His Highness.

I beg to submit that I returned from Delhi via Vijayawada and Madras on the 21st instant. While at Delhi, I attended the Indian Constituent Assembly Sessions and fulfilled certain public engagements at Vijayawada and at Madras. I also took the opportunity of visiting our Battalion which is stationed ^{near} at Amritsar. On my way to Amritsar I also paid a visit to Srinagar on the invitation of Janab Sheik Abdulla, Premier of Jammu and Kashmir.

Flag M
I am submitting herewith for His Highness' gracious perusal the Draft Constitution of India as has now been passed by the Indian Constituent Assembly and the draft amendments proposed.

K. Chaugalaraya Reddy.

CHIEF MINISTER.

Camp: Mysore, |
24th Sept. '49. |

C. 531/49-50.

Record of Cases submitted for the Orders of
His Highness the Maharaja.

Subject.

Report of the tour of the Chief Minister
in Delhi, Amritsar, Srinagar, Vijaya-
wada and Madras in September 1949 to-
gether with a copy of the Draft Con-
stitution of India.



371.

Order.

26/9/49.

(Chief Secy)

J.C.D.
8/10/49

115
10/10/49
J.C.D.
10/10/49

SUBJECT:—

Report of the tour of the Chief Minister
in Delhi, Amritsar, Srinagar, Vijayawada and
Madras in September 1949 together with a copy
of the Draft Constitution of India.

Circulated to Council of Ministers for perusal of His
Highness' orders before/after issue of orders.

[Signature]
Chief Secretary to Government.

Through the Secretary to Government,

...Education.....Department.

[Signature]
17/10
18/10

1. Chief Minister. *[Signature]*
2. Minister for Finance and Industries. (Seen).
3. Minister for Law and Labour. *[Signature]* 17/10
4. Minister for Revenue and Public Works. *[Signature]* 17/10
5. Home Minister. *[Signature]* 18/10
6. Minister for Local Self-Government. *[Signature]* 19/10
7. Minister for Public Health and Excise. *[Signature]* 19.4
8. Minister for Education. *[Signature]* 21/10
9. Minister for City Municipalities and Muzrai. *[Signature]* 24/10

2469
25/10

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17/10

3614
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18/10

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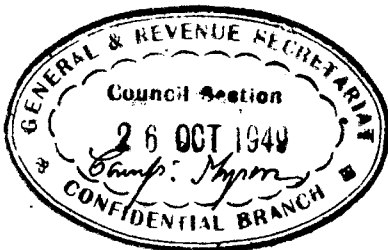
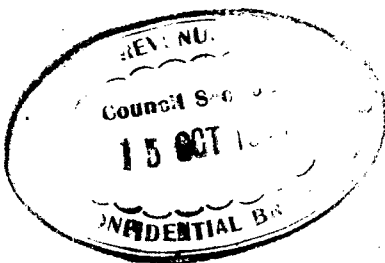
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(8) lines?



Sri SR
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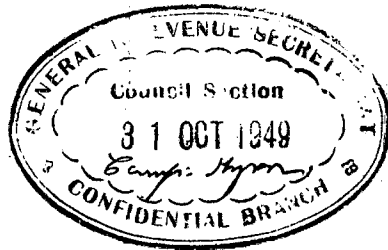
Report of the ~~1st~~ Four of the Chief Minister
in Delhi, Srinagar etc :- 3109
a copy of the Draft Constitution of India

Subd. The subjects dealt with in the
Report of the Chief Minister do not relate
to G.D. Section. It is not known why this
has been sent to G.D. Section.
If approved, this will be sent to C.B.

28/10/
BB

Antony
con. N/C

28/10



This file with, if approved, be
recorded in C.B. and the two copies
of the Draft Constitution of India (upto Sept 3, 1949),
and the Articles agreed to by the Govt. of India
(Collection I.) will be retained in C.B. for reference
Subd.

yes
29/10/49
31/10/49

31/10/49

31.10.49

13/11/49

List of Amendments which will be necessary if the Constitution of States in Part III of the First Schedule is incorporated in the Constitution of India.

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New Part VI-A containing provisions as to the Constitution of the States in Part III of the First Schedule.

After Part VI, the following new Part be inserted:

"PART VI-A

THE STATES IN PART III OF THE FIRST SCHEDULE.

211 A. The provisions of Part VI of this Constitution

Application of provisions of Part VI to States in Part III of the First Schedule.

shall apply in relation to the States for the time

being specified in Part III

of the First Schedule as they apply in relation to the States for the time being specified in Part I of that Schedule subject to the following modifications and omissions namely:-

- (1) For the word "Governor" wherever it occurs in the said Part VI, except where it occurs for the second time in clause (b) of Article 209, the word "Rajpramukh" shall be substituted.
- (2) In Article 128, for the word and figure "Part I" the word and figure "Part III" shall be substituted.
- (3) Articles 131, 132 and 134 shall be omitted.
- (4) In Article 135, —

(a) in clause (1), for the words "be appointed" the word "becomes" shall be substituted;

(b) for clause (3), the following clause shall be substituted, namely:-

"(3) The Rajpramukh shall be entitled without payment of rent to the use of his residences, and there shall be paid to the Rajpramukh such allowances as the President may, be general or special order, determine."

(5) In Article 144, the proviso to clause (1) shall be omitted.

(6) In Article 148, for clause (1), the following clause shall be substituted, namely:-

"(1) For every State there shall be a Legislature which shall consist of the Rajpramukh and, until and unless provision is made under article 148A of this Constitution for the creation of a second House, one House."

(7) In Article 163, for the words "as are specified in the Second Schedule" the words "as the Rajpramukh may determine" shall be substituted.

(8) In Article 170, for the words "as were immediately before the date of commencement of this Constitution applicable in the case of members of the Provincial Legislative Assembly for that State" the words "as the Rajpramukh may determine" shall be substituted.

(9) In Article 177, for sub-clause (a) of clause (3), the following sub-clause shall be substituted, namely:-

"(a) the allowances of the Rajpramukh and other expenditure relating to his office as determined by the President by general or special order;"

(10) In Article 183, for clause (2), the following clause shall be substituted, namely:-

"(2) Until rules are made under clause (1) of this article, the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to any House of the Legislature of the State or, where no such House existed, the rules of procedure and standing orders in force immediately before such commencement with respect to the Legislative Assembly of such Province, as may be specified in this behalf by the Rajpramukh of the State,

shall-----

shall have effect in relation to the Legislative Assembly of the State subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly".

(11) In clause (2) of Article 191, for the word "Province" the words "Indian State" shall be substituted.

(12) For Article 197, the following article shall be substituted, namely:-

"197. The judges of each High Court shall be Salaries, entitled to such salaries and allow-
etc. of
judges. ances and to such rights in respect of leave of absence and pension as may from time to time be determined by the President:

Provided that neither the salary of a judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment."

List of amendments proposed in the provisions of the Draft Constitution of India (the consideration of which has been either been held over or not yet been taken up by the Constituent Assembly in view of the changes that have taken place in the Constitution and administrative positions of the Indian States and the proposed insertion of a new Part VI-A.

Article 224.	Article 224 be omitted.
Article 225.	Article 225 be omitted.
Article 235A. (New)	After Article 235, the following new article be inserted, namely :- "235A. (1) Notwithstanding anything <u>Armed forces in States in this in Part III of the First Schedule.</u> Constitu- tion, a State for the time being specified in Part III of the First Schedule having any armed force immediately before the commencement of this Constitution may, until Parliament by law otherwise provides, continue to maintain the said force after such commencement subject to such general or special orders as the President may from time to time issue in this behalf.

(2) Any such armed force as is referred to in clause (1) of this article shall form part of the forces of the Union".

Article 236.

For article 236, the following article be substituted, namely :-

"236. The Government of India may

<u>Power of the Union to undertake executive, Legislative or judicial functions in relation to any territory not being part of the territory of India.</u>	by agreement with the
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Government of any territory not being part of the territory of India undertake

any executive, legislative or judicial functions vested in the Government of such territory, but every such agreement shall be subject to, and governed by, any law relating to the exercise of foreign jurisdiction for the time being in force."

Article 237.

Article 237 be omitted.

Article 267A
(new)

In Chapter I of Part IX, after article 267, the following new article shall be inserted, namely :-

"267A. (1) Where under any Covenant Privy Purse sums or agreement entered of Rulers. into by the Ruler of any Indian State before the commencement of this Constitution, the payment of any sums, free of tax, has been guaranteed or assured by the Government of the Dominion of India to any Ruler of such state as Privy Purse,-

- (a) such sums shall be charged on, and paid out of, the Consolidated Fund of India; and
- (b) the sums so paid to any Ruler shall be exempt from all taxes on income.

(2) Where the territories of any such Indian State as aforesaid are comprised within a State specified in Part I or Part III of the First Schedule there shall be charged on, and paid out of, the Consolidated Fund of that State such

contribution, if any, in respect of the payments made by the Union under clause (1) of this article and for such period as may be determined by order of the President."

Article 274 DD
(New)

After article 274D, the following new article be inserted, namely :-

"274DD. Notwithstanding anything contained Power of certain States in Part III of the First Schedule to impose restrictions on trade and commerce by the levy of certain taxes and duties on goods imported into or exported from such States. in the foregoing provision of this

Part, the President may enter into an agreement with a State for the time being specified in Part III of the First Schedule with respect to the levy and collection of any tax or duty leviable by the State on goods imported into the State from other States or on goods exported from the State to other States, and any agreement entered into under this article shall continue in force for such period not exceeding ten years from the commencement of this Constitution as may be specified in the agreement :

Provided that the President may at any time after the expiration of five years from such commencement terminate or modify any such agreement if after consideration of the report of the Finance Commission constituted under article 260 of this Constitution he thinks it necessary to do so."

Article 302 A
(New).

After article 302, the following new article be inserted, namely :-

"302A. In the exercise of the power of Rights and privileges of Rulers of Indian States. Parliament or of the Legisla-

ture of a State to make laws or in the exercise of the executive power of the Union or of a State, due regard shall be had to the guarantee or assurance given under any such Covenant or agreement as is referred to in Article 267 A of this Constitution with respect to the personal rights, privileges and dignities of the Ruler of an Indian State."

Articles 306A
and 306B.
(New)

After article 306, the following new articles
be inserted:-

"306A. Notwithstanding anything contained in

Temporary provisions with
respect to the State of
Jammu & Kashmir.

this Constitution,

until such date as

the President may by public notification announce to be

the date on which this article shall cease to be operative,--

(a) the power of Parliament to make laws for the

State of Jammu and Kashmir shall be

limited to those matters in the Union List

which the President, in consultation with

the Government of that State, may by order

specify;

(b) the provisions of article 211A of this

Constitution shall not apply in relation to that

State; and

(c) the provisions of Part V and Parts IX to

XVII of this Constitution shall apply in

relation to that State subject to such

exceptions and modifications as the President

may by order specify.

306B. Notwithstanding anything contained in this

Temporary provisions with
respect to State in Part
III of the First Schedule.

Constitution, during a period

of ten years from the

commencement thereof, or during such longer or shorter

period as Parliament may by law provide in respect of

any State, the Government of every State for the time being

specified in Part III of the First Schedule shall be

under the general control of, and comply with such

particular directions, if any, as may from time to time be

given by the President, and any failure to comply with such

directions shall be deemed to be a failure to carry out

the Government of the State in accordance with the

provisions of this Constitution:

Provided that the President may by order direct that the provisions of this article shall not apply to any State specified in the order."

Article 308.

After clause (3) of article 308, the following clause be inserted:-

"(3a) On and from the date of commencement of this Constitution the jurisdiction of the authority functioning as the Privy Council in a State for the time being specified in Part III of the First Schedule to entertain and dispose of appeals and petitions from or in respect of any judgment, decree or order of any court within that State shall cease, and all appeals and other proceedings pending before the said authority on the said date shall be transferred to, and disposed of by, the Supreme Court."

Article 310.

Article 310 shall be re-numbered as clause (1) of article 310, and to the said article as so renumbered the following be added:-

"(2) The judges of a High Court in any India State corresponding to any State for the time being specified in Part III of the First Schedule holding office immediately before the date of commencement of this Constitution shall, unless they have elected otherwise, become on that date the judges of the High Court in the State so specified and shall, notwithstanding anything contained in clause (1) of article 193 of this Constitution but subject to the proviso to that clause, continue to hold office until the expiration of such period as the President may by order determine."

Articles 312A and
312B. (New)

After article 312, the following new articles be inserted, namely:-

"312A. Until the House or Houses of the
Provisions as to Provisional Legislature of
Legislatures in States in
Part III of the First Schedule. a State for the
time being specified in Part III of the First
Schedule has or have been duly constituted and
summoned to meet for the first session under the
provisions of this Constitution, the body or
authority functioning immediately before such
commencement as the Legislature of the corresponding
Indian State shall exercise the powers and perform
the duties conferred by the provisions of this
Constitution on the House or Houses of the Legislature
of the State so specified.

312B. Such persons as the Rajpramukh of a State
Provisional Council of Ministers for for the
States in Part III of the First
Schedule. time being
specified in Part III of the First Schedule may
appoint in this behalf shall become members of the
Council of Ministers of such Rajpramukh under this
Constitution and until appointments are so made,
all persons holding office as Ministers immediately
before the commencement of this constitution in the
corresponding Indian State shall become members
of the Council of Ministers of such Rajpramukh
under this Constitution."

First Schedule.

For the First Schedule the following be substituted:-

"FIRST SCHEDULE

(Articles I and 4)

The States and the territories of India.

Part I.

<u>Names of States.</u>	<u>Names of corresponding Provinces.</u>
1. Assam	Assam
2. Bengal	West Bengal
3. Bihar	Bihar
4. Bombay	Bombay
5. Koshal-Vidarbh	Central Provinces and Berar.
6. Madras	Madras
7. Orissa	Orissa
8. Panchal (?)	East Punjab
9. ?	United Provinces.

The territories of the State of Assam shall comprise the territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas.

The territory of the State of Bengal shall comprise the territory which immediately before the commencement of this Constitution was comprised in the Province of West Bengal.

The territory of each of the other States shall comprise the territories which immediately before the commencement of this Constitution were comprised in the corresponding Province (except, in the case of Madras, the Laccadive, Amindivi and Minicoy Islands) and the territories which, by virtue of an order made under section 290A of the Government of India Act, 1935, were

immediately before such commencement being administered as if they formed part of that Province.

PART II.

1. Ajmer
2. Bhopal
3. Bilaspur
4. Coorg.
5. Cooch-Behar
6. Delhi
7. Himachal-Pradesh
8. Kutch
9. Manipur
10. Rampur
11. Tripura

The territory of the State of Ajmer shall comprise the territories which immediately before the commencement of this Constitution were comprised in the Chief Commissioners' Provinces of Ajmer-Merwara and Panth Piploda.

The territory of each of the States of Coorg and Delhi shall comprise the territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioners' Province of the same name.

The territory of each of the ~~other~~ States shall comprise the territories which by virtue of an order made under section 290A of the Government of India Act, 1935, were immediately before the commencement of this Constitution administered as if they were a Chief Commissioner's Province of the same name.

PART III

1. Hyderabad
2. Kashmir
3. Madhya Bharat
4. Mysore
5. Patiala & East Punjab States Union (?)
6. Rajasthan.
7. Saurashtra.
8. Travancore-Cochin
9. Vindhya-Pradesh.

The territory of the State of Saurashtra shall comprise the territories which immediately before the commencement of this Constitution were comprised in the United State of Kashiawar (Saurashtra), and the territories which immediately before such commencement were administered by the Government of that State under the provisions of the Extra-Provincial Jurisdiction Act, 1947.

The territory of each of the other States shall comprise the territory which immediately before the commencement of this Constitution was comprised in the corresponding Indian States.

PART IV

1. The Andaman and Nicobar Islands.
 2. The Laccadive, Amindivi and Minicoy Islands.
- For the Fourth Schedule, the following be substituted, namely:-

Fourth Schedule.

"FOURTH SCHEDULE

[Article 144(4)]

Instructions to the Governors
and Rajpramukhs.

1. In these instructions, unless the context otherwise requires, the term "Governor" shall include

every person for the time being discharging the functions of the Governor according to the provisions of this Constitution and the term "Rajpramukh" shall include every person for the time being discharging the functions of the Rajpramukh according to such provisions.

2. In making appointments to his Council of Ministers, the Governor or the Rajpramukh, as the case may be, shall use his best endeavours to select his ministers in the following manner, that is to say, to appoint a person who has been found by him to be most likely to command a stable majority in the Legislature as the Chief Minister, and then to appoint on the advice of the Chief Minister, those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the Legislature.

3. In the exercise of the powers conferred upon the Governor or the Rajpramukh, as the case may be, by this Constitution, the Governor shall save in relation to functions which ^{he} is required by or under this Constitution to exercise in his discretion and the Rajpramukh shall, subject to the provisions of article 306B of this Constitution, be guided by the advice of their respective ministers.

4. Without prejudice to the generality of his powers as to reservation of Bills, the Governor or the Rajpramukh, as the case may be, shall not assent to, but shall reserve for the consideration of the President any Bill which in his opinion would, if it became law, so derogate from the powers of the High Court as to endanger the position which that court is by this Constitution designed to fill.

5. The Governor or the Rajpramukh, as the case may be, shall do all that in him lies to maintain standards of good administration, to promote all measures making for moral, social and economic welfare and tending to fit all classes of the population to take their due share in the public life and government of the State, and to secure amongst all classes and creeds cooperation, goodwill and mutual respect for religious beliefs and sentiments."

to List of amendments proposed in the provisions of the Draft Constitution of India already agreed by the Constituent Assembly at the consideration stage.

- Article 3. For clauses (a) and (b) of the proviso to article 3, the following be substituted :-
"where the proposal contained in the Bill affects the boundaries of any State or States for the time being specified in Part I or Part III of the First Schedule, or the name or names of any such State or States, the views of the Legislature of the State or, as the case may be, of each of the States both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President."
- Article 47. For the Explanation to clause (2) of article 47, the following Explanation be substituted :-
" Explanation.- For the purposes of this clause, a person shall not be deemed to hold any office of profit by reason only that he is the President or Vice President of the Union or the Governor or Rajpramukh or Uprajpramukh of any State or is a Minister either for the Union or for any State."
- Article 55. For the Explanation to clause (4) of article 55, the following Explanation be substituted :-
" Explanation.- For the purposes of this clause, a person shall not be deemed to hold any office of profit by reason only that he is the President or Vice President of the Union or the Governor or Rajpramukh or Uprajpramukh of any State or is a Minister either for the Union or for any State."
- Article 67. Clause (9) of article 67 be omitted.
- Article 83. For sub-clauses (a) and (b) of clause (2) of article 83, the following be substituted :-
"he is a minister either for the Union or for such State."

- Article 92. In paragraph (iii) of sub-clause (d) of clause (3) of article 92, for the words "exercises or immediately" the words "exercises jurisdiction within any area included in the territory of India or which at any time" be substituted.
- Article 100. Clause (2) of article 100 be omitted.
- Article 109. For the proviso to article 109, the following proviso be substituted :-
- " Provided that the said jurisdiction shall not extend to -
- (i) a dispute to which a State for the time being specified in Part III of the First Schedule is a party, if the dispute arises out of any provision of a treaty, agreement, engagement, sanad or other similar instrument which was entered into or executed before the date of commencement of this Constitution and has, or has been, continued in operation after that date;
 - (ii) a dispute to which any State is a party, if the dispute arises out of any provision of a treaty, agreement, engagement, sanad or other similar instrument which provides that the said jurisdiction shall not extend to such dispute."
- Article 119. Article 119 be renumbered as clause (1) of article 119, and to the said article as so renumbered, the following clause be added :-
- "(2) The President may, notwithstanding anything contained in clause (1) of the proviso to article 109 of this Constitution, refer a

dispute of the kind mentioned in the said clause to the Supreme Court for decision and the Supreme Court shall thereupon, after giving the parties an opportunity of being heard, decide the same and report the fact to the President."

Article 248B.

In clause (2) of article 248B, after the word "Governor" the words "or Rajpramukh of the State" be inserted.

Article 263.

In clause (2) of article 263, after the word "Governor" the words "or Rajpramukh" be inserted.

Article 303.

For sub-clause (nn) of clause (1) of article 303, the following sub-clauses be substituted:-

" (nn) Rajpramukh means -

- (i) in relation to the State of Hyderabad, the person who for the time being is recognised by the President as the Nizam of Hyderabad;
- (ii) in relation to the State of Jammu and Kashmir or the State of Mysore, the person who for the time being is recognised by the President as the Maharaja of that State; and
- (iii) in relation to any other State for the time being specified in Part III of the First Schedule, the person who for the time being is recognised by the President as the Rajpramukh of that State, and includes in relation to any of the said States any person for the time being recognised by the President as competent to exercise the powers of the Rajpramukh in relation to that State;

(nnn) 'Ruler' in relation to an Indian State means the Prince, Chief or other person by whom any such Covenant or agreement as is referred to in clause (1) of article 267A of this Constitution was entered into and who for the time being is recognised by the President as the Ruler of the State, and includes any person who for the time being is recognised by the President as the successor of such Ruler;"

Seventh
Schedule.

(1) In List I of the Seventh Schedule, after entry 43, the following entry be inserted :-

"43A. Courts of Wards for the estates of
Rulers of Indian States."

(2) In List II of the Seventh Schedule, to entry 25, the following words and figures be added :-

"subject to the provisions of entry 43A of
List I."

N.B.- Necessary amendments for the substitution of the word "Rajpramukh" for the word "Ruler" in other provisions of the Draft Constitution already agreed to at the second reading will also have to be made.